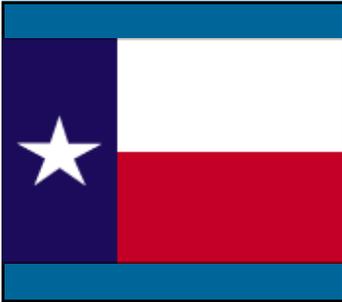


February 2001



TEXAS CIRCULATION
MANAGEMENT ASSOCIATION

TCMA Newsletter

Circulation Destination

New Century, New Rules

Believe it or not, the Spring Seminar is only a few weeks away. Second Vice President, **Lane Aten**, is putting together a seminar titled Circulation Destination: New Century, New Rules.

The seminar will be in Austin Texas in May 2001. The dates and hotel have not been announced. Keep an eye on your e-mail and your mailbox. Since time is short, we will be communicating with e-mail to deliver additional information.

Lane's thoughts on the New Century will deal with new programs that newspapers are using to retain subscribers, premiums, and NIE programs. The New Rules will deal with legal challenges in our industry, i.e., new telemarketing laws, labor issues, and new ABC rules.

As soon as Lane has more information, we will send it to you via e-mail.

Destination

Beaumont: October 8-10, 2001

Jeff Reedy, Operations Director for the Beaumont Enterprise, is gearing up for the Eighty-Seventh Texas Circulation Management Association Fall Conference to be held in Beaumont, Texas on October 8-10, 2001. TCMA has met in Beaumont on three occasions. First in 1917, then in 1929, and the last time Texas Circulation Managers met in Beaumont was 1939. It has been over sixty-two years since the Beaumont Enterprise has hosted our prestigious group. Director Reedy has selected the Holiday Inn-Plaza, the Golden Triangle's hotel and conference center, as the location for the conference.

Mark your calendars now and be in Beaumont in October. Only ninety miles from Houston, you'll sure to have a great time at the conference.



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Special points of interest:

Mark your calendar now!!

*2001 TCMA Conference
October 8-10, 2001*

*Beaumont, Texas
Holiday Inn –Beaumont Plaza*



Ohio Publisher Vindicated

The Court of Appeals of Ohio found that a news carrier and her helper were independent contractors, and the Vindicator-Telegram was not liable for damages caused to a third party. The carrier's helper, who had no contractual relationship with the publisher, struck a motorcyclist while helping the contracted carrier deliver copies of the Vindicator-Telegram. The trial court granted the publisher's motion for summary judgment.

On appeal, finding that "reasonable minds could only conclude that [the contractor] was an independent contractor," the court upheld the grant of summary judgment. The court reasoned that "a broad range of factors must be examined and assessed concerning the right to control the means or manner of the work to be performed by the party causing the harm", including the fact that:

The contractor signed a lease for the list of subscribers;

The contractor purchased the newspapers at a wholesale price;

The contractor was not paid a salary or wage;

The contractor was never told how or when to deliver the paper;

The contractor was never told what to charge for the papers;

The contractor chose the sequence of delivery;

The contractor provided her own vehicle;

The Vindicator-Telegram did not provide the contractor with health insurance, life insurance, or vehicle liability insurance;

The contractor was not provided any mileage compensation;

The contractor could choose to use any helpers or substitutes she needed;

The contractor's vehicle did not have any Vindicator-Telegram logos;

The assistant did not have a lease agreement with the Vindicator-Telegram.

King Bill Looks to Rein in Telemarketers

U.S. Rep. Peter King, R-NY, is getting involved in efforts to beef up federal restraints on telemarketers that failed to gain approval last year.

King is sponsoring legislation, dubbed the Dinnertime Bill, that would ban telemarketing between 5 p.m. and 7 p.m. The bill also would require telemarketers to begin every solicitation by informing consumers of their right to be placed on the Direct Marketing Association's do-not-call list or, when appropriate, a state DNC list.

These provisions were sup-

ported last year by Matt Salmon, the Arizona Republican who retired from the House of Representatives at the end of the 2000 legislative session. The bill also would require telemarketers to use the DMA's DNC list as well as all state DNC lists, creating a nationwide standard for DNC lists. The bill, H. R. 232, also would ban the intentional blocking of caller-ID by telemarketers.

Another bill currently before Congress, H.R. 90, proposed by Rep. Rodney Frelinghuysen, R-NJ, also would prevent telemarketers from intentionally blocking caller-ID. The American Teleservices Association and the DMA have supported this bill. Matt Mattingley, legislative director at the ATA, said the association opposes most of King's proposals, in particular the provision that would require telemarketers to give a warning at the beginning of each call. In the past, the ATA has compared this provision to forcing telemarketers to give a Miranda-type warning to consumers. "There is no precedent in any industry for such a requirement," Mattingley said. "The very idea is insulting to the millions of honest men and women working in the industry."

If King's proposal to ban telemarketing during dinner hours becomes law, telemarketers would lose a key time period during which consumers are easiest to reach, Mattingley said. Such a ban would likely result in a legal challenge from the industry.

Our Newest Members!

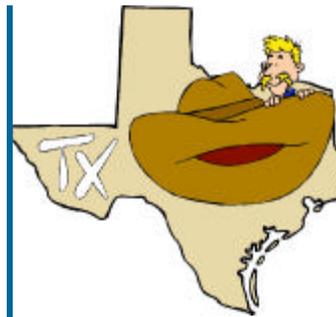
Jewel Williams	Dallas Morning News
Jim Smith	Steel City Corporation
Jeff Harrell	Sirco Rubber Company
Ron Henderson	Continental Products
Joe Nunez	Valley Morning Star
Gene Haddock	Houston Chronicle
Tom Zgonc	Pro Starts
Guy Rothardt	USA Today
Rosa Galvan	Houston Chronicle
Steve Hill	Investor Business Daily
Steve Bradley	Street & Smith's Distr.
Donnie Lovell	Beaumont Enterprise
Michael Lavergne	Beaumont Enterprise
Darrell Snyder	Brownwood Bulletin
Glenn Waits	Lubbock Avalanche-Journal

NAA Seeking to Increase Membership

Now that you are a TCMA member, you should also join the team of over 1,300 circulation professionals who enjoy a wealth of benefits through their NAA Circulation Federation membership. Federation membership will enhance your Sectional membership by providing a national framework to work on issues affecting the industry, by opening doors to peers all over the country in an exclusive member only e-forum, and by saving on continuing education venues. All of these benefits are available to you as a Circulation Sectional member for only \$85.00! Use the coded enclosed application to join

Buyer's Guide Invoices to Be Mailed Soon

President Elect **Jo Linda Bishop**, would like to remind you your 2001 membership status is current and up-to-date in order to receive the best rates for advertising in the 2001 Buyer's Guide. She will be sending information to our associate members within the next thirty days. Watch your mailbox!



Texas Roundup!

Proven Circulation Idea

Central Region Director, Sylvia Gonzales, submitted a circulation growth idea that worked at the Austin American-Statesman:

Harry Potter – With the popularity of the Harry Potter book series in 2000, we felt we could use the books as a premium right before the Christmas holidays. We encouraged customer to PIA for a one year subscription at the basic rate and receive the four book Harry Potter series in time for Christmas. The program was a great success. We direct mailed approximately 7,000 customers that were 13 week subscribers and were able to convert 175 (2.5 % response) to 52 week subscribers. We generated a total of \$30,586.40 in subscription renewal revenue.

Dadisman Resigns from the Houston Chronicle

Circulation Director, **David Dadisman**, resigned from the Houston Chronicle on December 15, 2000, to become the Vice President of Circulation at the Washington Post. Dadisman began his new position with the Post on December 18, 2000.

TCMA Regional Directors

(Open) (South)	
Jack Light (North)	(806) 345 3421
Tyler Patton (West)	(915) 333 7722
Sylvia Gonzales (Central)	(512) 445 3753
Bobby Perry (East)	(903) 794 3311

Wake up and smell the Peppermint

Our alertness levels fluctuate throughout the day. But to stay your sharpest at work, try these tips to keep your mind focused:

Raise your interest level.

Nothing wakes you up faster than the imminent threat of danger. The same goes when you're working on a job that's mentally and physically stimulating. When you start to feel yourself sliding into a slump, try switching to work that's more interesting to you.

Move around. Nothing kills your energy level more than sit-

ting in a comfortable chair for an extended amount of time. Shake off your drowsiness by getting up and walking around the office to stretch and to trigger your sympathetic nervous system.

Brighten up. Instead of reaching for the fourth cup of coffee, try turning up the light in your workspace. Bring along an extra lamp to brighten your work area.

Chill out. Forget the cold water splash for that quick pick-me-up. A better alternative is a blast of cool, dry air on your face.

Rock out. Getting lulled by the hum of white noise from machines? Turn on a radio. The irregular or variable sounds of voices or music stimulate your mind and helps keep you alert.

Smell the peppermint. Studies show that the scent of peppermint can perk you up, so keep peppermint candy handy for when you start to feel a little drowsy.

—adapted from *Working Nights*
Web site

What a leader isn't

There are a lot of misperceptions about what it takes to be a leader. Reassess these assumptions:

Leaders are born that way.

Most of us have the potential to be leaders. We need only learn and develop leadership skills through trial and error. The keys to being a good leader are the capability to care about others, having a mission and providing direction to those you lead.

Leaders hold high-ranking positions. Real leadership isn't

based on position. It's based on action, performance, ability and effectiveness—regardless of the position you hold in a company.

Leaders are controlling. Most people gravitate to and follow people they respect. Leaders need not compel others to do as they say. Instead, people follow leaders who have goals they can relate to and personalize.

*Most people gravitate
and follow people they
respect.*

Leaders have more education than most. Degrees merely mean you have a good education; experience is the best teacher when it comes to leadership.

Professional success often comes from years of experience on the frontline, where a person learns how to manage interactions and conflict, and balance the needs of the mission and the individual.

—adapted from *the Small Business Journal*

Character

It doesn't make a difference whether you are in the boardroom or the battlefield. Many people are brilliant, articulate, charismatic, innovative and tough. But if they lack character, they will not succeed as leaders.

—Gen. Charles Krulak, senior vice chairman of MBNA Bank and former Marine Corps commandant during the Vietnam War

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Texas Circulation
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TCMA Newsletter
February 2001

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2001 Carrier of the Year Applications on the TCMA Web Site

Carrier of the Year (COTY)
Forms will be mailed soon but,
if you need a head start, the
2001 COTY Applications are
located at www.texascma.org.

Bellatrix and E-Commerce

By Bill Hemmingway

The Shopping Cart is ready for your use at Bellatrix Systems' web site www.bellatrix.com. Now newspapers can order and purchase Coin Wizards, SINGLE-TRAK System components, Freedom Newsracks and Wizard parts for maintaining their existing Bellatrix electronic coin mechanisms, on-line using the new e-commerce capabilities added to www.bellatrix.com in January 2001. Simply select the items required and the ADD to CART feature makes consolidated purchases fast and easy. Two purchase methods are available (1) Secure Cyber Cash MCK credit card purchases or Net 30 day invoiced terms. The site has the capability to include freight quotes for shipping to your ZIP code with an array of shipping methods. Bellatrix Systems, Inc. (800) 451-9753 is the world's leading supplier of electronic coin mechanisms and data collection equipment for single copy newspaper sales and distribution.

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